

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YIN HUNG, as Mother and Natural Guardian of
A.J., an Infant; and YIN HUNG, Individually,

Plaintiffs,

-against-

MONTEFIORE MEDICAL CENTER; RASHA S.
KHOURY, MD; MARILENA PETTI, MD;
BARRIE GAIL SUSKIN, MD; SUSAN D.
KLUGMAN, MD; STEPHANIE WANG ZUO, MD;
ISMELY FIORELLA MINAYA, MD; ALBA
VEGA, RN; ALEXA COHEN, MD; ASHLESHA
K. DAYAL, MD; HANNAH JANOO WALLA, MD;
SANDOLSAM CHA, MD; JUDITH EGWUOGU,
RN; MADHURY KHAN-ALI, MD; MOONA
ARABKHAZAEI, MD; Nanci LEVINE, MD;
ZEIDA L. FLORES, PA; TAMMY R.
GRUENBERG, MD; DEEPA M. NARASIMHULU,
MD; SAILA S. MONI, MD; YERISSA DIAZ, RN;
and ROBERT J. HIRSH, MD,

Defendants.

Case No. 21 CV 2624 (JPO)

**STIPULATION AND
ORDER OF DISMISSAL**

WHEREAS, on or about January 22, 2019, Plaintiff Yin Hung ("Hung"), in her individual capacity and as mother and natural guardian of Plaintiff A.J., an infant (the "Infant") (collectively, "Plaintiffs") brought a medical malpractice action against several defendants including Tammy Gruenberg ("Gruenberg") in the Supreme Court of the State of New York, County of Bronx, Index No. 20900/2019E (the "State Action").

WHEREAS, on or about March 26, 2021, the State Action was removed to the District Court for the Southern District of New York.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties, by their respective counsel, pursuant to Federal Rule of Civil Procedure 41(a)(2), as follows:

1. The United States is hereby substituted as defendant in place of Tammy Gruenberg.
2. Plaintiffs' claims against the United States are dismissed without prejudice and without costs to any party.

3. This action is hereby remanded to the Supreme Court of the State of New York, County of Bronx, as there is no longer federal subject matter jurisdiction due to the dismissal of the United States.

4. This Stipulation and Order of Dismissal (the "Stipulation and Order") may be executed in counterparts; a reproduced signature shall have the same force and effect as an original signature; and a facsimile or electronic copy of the Stipulation and Order shall have the same force and effect as an original.

5. The undersigned parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements or negotiations, oral or otherwise, between the undersigned parties or their counsel that are not included herein shall be of any force or effect.

Dated: New York, New York
April 13, 2021

NGUYEN LEFTT, P.C.

By: 

STEPHEN D. CHAKWIN, JR.
675 Third Avenue, 25th Fl.
New York, NY 10017
Tel.: (212) 256-1755

Counsel for Plaintiffs

Dated: New York, New York
April 13, 2021

AUDREY STRAUSS

United States Attorney for the
Southern District of New York

By: 

BRANDON H. COWART
86 Chambers Street, 3rd Fl.
New York, NY 10007
Tel.: (212) 637-2693

*Counsel for the United States of
America*

SO ORDERED:


J. PAUL OETKEN
United States District Judge

April 13, 2021